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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,643	02/21/2001	Frank Lewis Rotman	5793.3023-00	7059
22852	7590	01/20/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/788,643	ROTMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lalita M. Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 November 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-97 is/are pending in the application.

4a) Of the above claim(s) 18-37 and 55-74 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17,38-54 and 75-97 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02252005.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of claims 1-17, 38-54, and 74-97 in the reply filed on November 4, 2005 is acknowledged. Claims 18-37 and 55-74 are withdrawn from consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-13, 38-44, 46-50, and 75-81, 83-87, 92-93, and 95-96 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (5,712,985).

Lee discloses a method and corresponding computer-readable medium, system, and program code comprising analyzing sales transaction data corresponding to sales transactions carried out between a plurality of payors and a plurality of merchants, selecting sales transaction data, the sales transaction data relating to a transaction between a payor and at least one of the plurality of merchants, normalizing the collected sales transaction data from the plurality of payors to create normalized data, scaling the normalized data to create financial information corresponding to a predetermined metric, and providing the financial information to a user (col.2, line 63 to col.3, line 53; col.4, lines 40-55; col.11, lines 20-25; col.12, line 30 to col.13, line 38); the financial information is used to make predictions about general econometric parameters (col.2,

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line 63 to col.14, line 40); financial information is used to make predictions about actual supplies of commodities (col.2, line 63 to col.14, line 40—may be used for wide variety of business-related issues); the financial information is used to make revenue predictions for one of the plurality of merchants (col.2, line 63 to col.14, line 40—may be used for wide variety of business-related issues); the financial information is used to make earnings predictions for one of the plurality of merchants (col.2, line 63 to col.14, line 40—may be used for wide variety of business-related issues); the financial information is used to make stock-price predictions for one of the plurality of merchants (col.2, line 63 to col.14, line 40—may be used for wide variety of business-related issues); the financial information is used to predict interest rates (col.2, line 63 to col.14, line 40—may be used for wide variety of business-related issues); processing the collected data based on a total number of payors utilizing the services of the payment system operator (col.2, line 63 to col.14, line 40); processing the collected data based on a total dollar amount of outstanding transactions owed to a creditor within the payment system (col.2, line 63 to col.14, line 40); processing the collected data based on a total number of transactions by payors (col.2, line 63 to col.14, line 40); processing the collected data based on demographic information of payors using the payment system (col.2, line 63 to col.14, line 40); and processing the collected data based on historical revenue of the merchant (col.2, line 63 to col.14, line 40).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8, 14-17, 45, 51-54, 82, 88-91, 94, and 97 rejected under 35

U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lee.

Lee discloses the invention substantially as claimed. Lee further discloses that users may use the invention to forecast business items (col.2, line 63 to col.14, line 40), which may include credit scoring and other types of forecasting methods may be utilized (col.2, line 63 to col.14, line 40 and col.22, lines 14-32—well known and practiced to use regression analysis and network analysis). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate credit score indicating the creditworthiness of a merchant, and wherein the providing the financial information to a user, providing the credit score to a potential creditor of the merchant; applying a linear regression analysis to the normalized data; applying a neural network analysis to the normalized data; and applying a neural network analysis to normalized data further comprises applying pattern recognition within the neural network analysis, as broadly taught by Lee, in order to provide additional means of assessing credit and forecasting business-related items.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LMH